

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE**

FILED BY TH D.C.

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**UNITED AUTO GROUP, INC., a
Delaware corporation,**

Plaintiff,

vs.

**ADAM D. EWING and ANDREW
BARBEE, individuals,**

Defendants.

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHIS

Case No. 04-2802 DP

JOINT RULE 16(b) AMENDED SCHEDULING ORDER

On August 12, 2005, the Court conducted a Telephone Conference and stayed depositions and other dates until after the Court ruled on the pending Motion to Dismiss and indicated that the Court would re-set the Scheduling Order if issues are still pending following the Court's decision on the Motion to Dismiss. On August 26, 2005, the Court entered an Order Denying the Motion to Dismiss. As a result, the parties submit the following proposed Joint Rule 16(b) Amended Scheduling Order:

1. Initial Disclosures pursuant to Fed. R. Civ. P. 26(a)(1): filed
2. Joining parties: October 17, 2005
3. Amending pleadings: October 17, 2005
4. Initial motions to dismiss: N/A
5. Completing all discovery: April 15, 2006
 - (a) Document production: January 31, 2006
 - (b) Depositions, interrogatories and requests for admissions: January 31, 2006

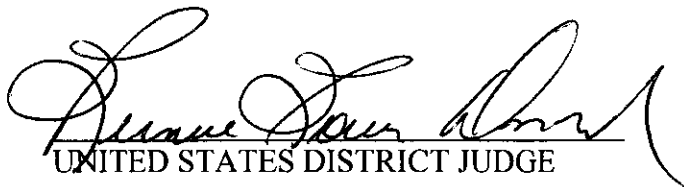
This document entered on the docket sheet in compliance with Rule 58 and 79(a) FRCP on 9/13/05

(94)

(c) Expert witness disclosure (Rule 26)

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|-----|--|-------------------|
| (1) | Disclosures of plaintiffs' Rule 26 expert information: | February 28, 2006 |
| (2) | Disclosure of defendant's Rule 26 expert information: | March 15, 2006 |
| (3) | Expert witness depositions: | April 15, 2006 |
6. Filing dispositive motions: June 30, 2006
7. Discovery shall begin immediately, and the parties shall be entitled to begin depositions without waiting for a ruling on Defendant's initial motion to dismiss or in the alternative, for summary judgment.
8. No depositions may be scheduled to occur after the discovery cutoff date. All motions, requests for admissions, or other filings that require a response must be filed sufficiently in advance of the discovery cutoff date to enable opposing counsel to respond by the time permitted by the Rules prior to that date.
9. This case is set for a jury trial. The parties expect that the trial may last two weeks. The pretrial order date, pretrial conference date, and trial date will be set by the presiding judge.
10. This case is not appropriate for ADR.
11. The parties have not consented to trial before the magistrate judge.
12. This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this order will not be modified or extended.

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 94 in case 2:04-CV-02802 was distributed by fax, mail, or direct printing on September 15, 2005 to the parties listed.

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Honorable Bernice Donald
US DISTRICT COURT